

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Gabriel Randolph ,)	C/A No.: 1:13-74-JMC-SVH
)	
Plaintiff,)	
)	
vs.)	REPORT AND RECOMMENDATION
)	
Lt Haroff; Sgt. Allewine; Ofc.)	
Haymond; Ofc. Binkley; Ofc. Tucker;)	
Unknown Female Nurse; each in their)	
individually official capacities,)	
)	
Defendants.)	

Plaintiff Gabriel Randolph, proceeding pro se and in forma pauperis, has alleged Defendants violated his constitutional rights. By order dated February 5, 2013, service of process on Defendants was authorized. [Entry #9]. On April 15, 2013, the service documents for defendant Sgt. Joshua Alewine (incorrectly identified by Plaintiff as Sgt. Allewine) were returned unexecuted. [Entry #20]. The court entered an order requesting the last known address for defendant Alewine. [Entry #25]. The defendants who have made an appearance (“Appearing Defendants”) filed a reply on April 22, 2013. [Entry #29]. As requested, Appearing Defendants provided Alewine’s last known address under seal. On May 13, 2013, the undersigned authorized service of process on Alewine at the address provided by Appearing Defendants. [Entry #33]. The service documents were again returned unexecuted on June 6, 2013. [Entry #40].

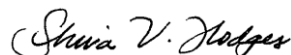
Plaintiff was previously warned: “Plaintiff **must** provide, and is responsible for, information sufficient to identify defendants on the Forms USM-285. The United States

Marshal cannot serve an inadequately identified defendant, and un-served defendants may be dismissed as parties to this case.” [Entry #9] (emphasis in original). Plaintiff was further warned:

Plaintiff is responsible for information sufficient to identify defendant on the Form USM-285. The Marshal cannot serve an inadequately identified defendant, and un-served defendants may be dismissed as parties to this case. The Marshal was previously unable to serve Alewine at the address Plaintiff provided. Upon Appearing Defendants informing the court that Alewine is no longer employed by the South Carolina Department of Corrections (“SCDC”), the court assisted Plaintiff in obtaining the last known residential address of Alewine because it was necessary for such information to be kept confidential. However, Plaintiff remains ultimately responsible for providing a correct address for service and an un-served defendant may be dismissed pursuant to Fed. R. Civ. P. Rule 4(m). In the event that Alewine cannot be served at the last known address provided by Appearing Defendants, Alewine will be subjected to dismissal because Plaintiff will have failed to provide a correct address for service.

[Entry #33]. Therefore, as Plaintiff has failed to provide adequate information to serve defendant Alewine, the undersigned recommends that Alewine be dismissed from this action pursuant to Fed. R. Civ. P. 4(m)

IT IS SO RECOMMENDED .



June 10, 2013
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge